

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SUPPRESSED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE H. CUNNINGHAM,

TARVIN M. HAMLER, III,

Defendant.

CRIMINAL NO. 22-30137-SPM

Title 18
United States Code,
Sections 2, 2118

Title 21
United States Code,
Sections 841, 846

FILED

DEC 13 2022

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

**CONSPIRACY TO DISTRIBUTE AND POSSESS WITH INTENT TO DISTRIBUTE
CONTROLLED SUBSTANCES: OXYCODONE, HYDROCODONE, AND MORPHINE**

Beginning on or about March 15, 2018, and continuing until on or about March 15, 2020,
in Washington County, within the Southern District of Illinois, and elsewhere,

GEORGE H. CUNNINGHAM and TARVIN M. HAMLER, III,

defendants herein, did conspire and agree together and with others, known and unknown to the
Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute
controlled substances, to wit: Oxycodone, Hydrocodone, Morphine, all Schedule II Controlled
Substances, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); all
in violation of Title 21, United States Code, Section 846.

COUNT 2

**CONSPIRACY TO COMMIT BURGLARY
INVOLVING CONTROLLED SUBSTANCES**

Beginning on or about March 15, 2018, and continuing until on or about March 15, 2020,
in Washington County, within the Southern District of Illinois, and elsewhere,

GEORGE H. CUNNINGHAM and TARVIN M. HAMLER, III,

defendants herein, did conspire and agree together and with others, known and unknown to the Grand Jury, to knowingly and intentionally without authority, enter the business premises or property of persons registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any quantity of a controlled substance, and the replacement cost of the controlled substance to the registrant was not less than \$500, in violation of Title 18, United States Code, Section 2118(d).

Overt Acts

In furtherance of the conspiracy, and to accomplish the objects and purposes thereof: the defendants and others committed various overt acts in the Southern District of Illinois and elsewhere, including but not limited to the following:

- 1) On or about March 15, 2018, **CUNNINGHAM** and others known and unknown entered the "Express RX" Pharmacy in Carthage, Missouri, with the intent to steal any material or compound containing any quantity of a controlled substance, and the replacement cost of the controlled substance to the DEA registrant exceeded \$20,000.00.
- 2) On or about December 16, 2019, **CUNNINGHAM** and others known and unknown entered the "Medicap Pharmacy" in North Vernon, Indiana, with the intent to steal any material or compound containing any quantity of a controlled substance.
- 3) On or about December 18, 2019, **CUNNINGHAM**, aided and abetted by **HAMLER**, entered "York's Pharmacy" in McLeansboro, Illinois, with the intent to steal any material or compound containing any quantity of a controlled substance and the replacement cost of the controlled substance to the DEA registrant exceeded \$20,000.00.
- 4) On or about December 22, 2019, **CUNNINGHAM**, aided and abetted by **HAMLER**, entered "Bandy's Pharmacy" in Irvington, Illinois, with the intent to steal any material or

compound containing any quantity of a controlled substance and the replacement cost of the controlled substance to the DEA registrant exceeded \$8,000.00.

- 5) On or about January 23, 2020, **CUNNINGHAM** and **HAMLER** entered "Reidsville Pharmacy" in Reidsville, North Carolina, with the intent to steal any material or compound containing any quantity of a controlled substance and the replacement cost of the controlled substance to the DEA registrant exceeded \$2,000.00.
- 6) On or about February 11, 2020, **CUNNINGHAM** aided and abetted by **HAMLER**, entered "Forest City Health Mart" in St. James, Missouri, with the intent to steal any material or compound containing any quantity of a controlled substance and the replacement cost of the controlled substance to the DEA registrant exceeded \$10,000.00.
- 7) On or about February 29, 2020, **CUNNINGHAM** aided and abetted by **HAMLER**, entered "Hillsboro Health Mart" in Hillsboro, Missouri, with the intent to steal any material or compound containing any quantity of a controlled substance and the replacement cost of the controlled substance to the DEA registrant exceeded \$50,000.00.
- 8) On or about March 15, 2020, **CUNNINGHAM** and **HAMLER**, entered "Ladue Pharmacy" in Ladue, Missouri, with the intent to steal any material or compound containing any quantity of a controlled substance.

COUNT 3
BURGLARY INVOLVING CONTROLLED SUBSTANCES

On or about December 18, 2019, in Hamilton County, within the Southern District of Illinois,

GEORGE H. CUNNINGHAM
aided and abetted by
TARVIN M. HAMLER, III,

defendants herein, without authority, entered the business premises or property of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any

quantity of a controlled substance, and the replacement cost of the controlled substance to the registrant was not less than \$500, in violation of Title 18, United States Code, Section 2118(b) and Title 18 United States Code, Section 2.

COUNT 4
BURGLARY INVOLVING CONTROLLED SUBSTANCES

On or about December 22, 2019, in Washington County, within the Southern District of Illinois,

GEORGE H. CUNNINGHAM

aided and abetted by

TARVIN M. HAMLER, III,

defendants herein, without authority, entered the business premises or property of a person registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act (21 U.S.C. 822) with the intent to steal any material or compound containing any quantity of a controlled substance, and the replacement cost of the controlled substance to the registrant was not less than \$500, in violation of Title 18, United States Code, Section 2118(b) and Title 18 United States Code, Section 2.

A TRUE BILL



JOHN D. A. TRIPPI
Assistant United States Attorney

ALMA
SUMMERS

Digitally signed by ALMA
SUMMERS
Date: 2022.12.12 20:45:18
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for

RACHELLE AUD CROWE
United States Attorney

Recommended Bond: DETENTION